UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,094	09/15/2000	Eric Schneider		3485

24226   7590   09/04/2003

ERIC SCHNEIDER
13944 CEDAR ROAD
258
UNIVERSITY HEIGHTS, OH   44118

EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	3

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2002</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) **2** .   6)☐ Other: .

Detailed Action

Claims 1-17 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed in Paper No. 2 has been considered.

Claim Objections

Claim 17 is objected to because of the following informalities:

The line 'means for retrieving content from a computer network;' is repeated twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent Number 5,978,828 by Greer at al.

With regards to claim 1, a method for notifying when an inaccessible resource

corresponding to an identifier becomes accessible comprising the steps of (Greer: Abstract where

the examiner draws a parallel between inaccessible and modified and updated):

determining a starting time (Greer: col. 7, lines 63-67);

determining whether a current time exceeds said starting time (Greer: col. 7, lines 43-67);

intermittently determining whether the resource corresponding to the identifier is accessible until a condition is performed in response to determining that said current time exceeds said starting time (Greer: col. 7, lines 43-67; Figure 10, tags 706 and 710); and,

providing notification including an access means for accessing the resource in response to determining that the resource corresponding to the identifier is accessible (Greer: col. 8, lines 23-29; col. 9, lines 1-10; Figure 10, tag 714).

With regards to claim 2, a method, as set forth in claim 1, wherein the resource corresponding to the identifier does not exist (Greer: col. 8, lines 23-29; the examiner parallels the identifier as not existing as a changed address).

With regards to claim 3, a method, as set forth in claim 1, wherein said step of determining said starting time further includes the step of selecting a time access method from one of a retrieval method (Greer: col. 7, lines 23-33), generation method (Greer: col. 4, lines 3-6), and input method (Greer: col. 7, lines 63-67).

With regards to claim 4, a method, as set forth in claim 3, wherein said generation method further includes the step of generating said starting time from the identifier (Greer: col. 4, lines 3-6).

With regards to claim 5, a method, as set forth in claim 3, wherein said retrieval method further includes the step of retrieving said starting time from user modifiable configuration settings (Greer: col. 7, lines 23-33).

With regards to claim 6, a method, as set forth in claim 1, wherein said step of determining whether the resource corresponding to the identifier is accessible further includes the step of transmitting a resource access request to said resource (Greer: Abstract; col. 1, lines 50-60; col. 2, lines 61-65).

With regards to claim 14, a method, as set forth in claim 1, wherein the resource corresponding to the identifier is intermittently accessible (Greer: col. 1, lines 31-44; the examiner parallels accessible with modified and updated).

With regards to claim 15, a method, as set forth in claim 1, wherein the identifier is at least one uniform resource identifier (Greer: col. 1, lines 22-25).

Claim 16 is essentially the same as claim 1 except that it sets further the invention as an apparatus rather than a method and rejected for the same reasons as applied to claim 1 above.

With regards to claim 16, an apparatus for notifying when an inaccessible resource corresponding to an identifier becomes accessible (Greer: Abstract where the examiner draws a parallel between inaccessible and modified and updated) comprising:

a processor; (Greer: col. 2, lines 25-47)

a memory in operative association with said processor; (Greer: col. 2, lines 25-47)

means for retrieving content from a computer network; (Greer: col. 2, lines 25-47)

means for determining a starting time; (Greer: col. 7, lines 63-67);

means for determining whether a current time exceeds said starting time; (Greer: col. 7, lines 43-67)

means for intermittently determining whether the resource corresponding to the identifier is accessible until a condition is performed in response to determining that said current time exceeds said starting time; and, (Greer: col. 7, lines 43-67; Figure 10, tags 706 and 710)

means for providing notification including an access means for accessing the resource in response to determining that the resource corresponding to the identifier is accessible. (Greer: col. 8, lines 23-29; col. 9, lines 1-10; Figure 10, tag 714)

Claim 17 is essentially the same as claim 1 except that it sets further the invention as a means plus function rather than a method and rejected for the same reasons as applied to claim 1 above.

With regards to claim 17, a computer program product for notifying when an inaccessible resource corresponding to an identifier becomes accessible (Greer: Abstract where the examiner draws a parallel between inaccessible and modified and updated) comprising:

means for retrieving content from a computer network; (Greer: col. 2, lines 25-47)

means for retrieving content from a computer network; (Greer: col. 2, lines 25-47)

means for determining a starting time; (Greer: col. 7, lines 63-67);

means for determining whether a current time exceeds said starting time; (Greer: col. 7, lines 43-67)

means for intermittently determining whether the resource corresponding to the identifier is accessible until a condition is performed in response to determining that said current time exceeds said starting time; and, (Greer: col. 7, lines 43-67; Figure 10, tags 706 and 710)

means for providing notification including an access means for accessing the resource in response to determining that the resource corresponding to the identifier is accessible. (Greer: col. 8, lines 23-29; col. 9, lines 1-10; Figure 10, tag 714)

Therefore, claims 16 and 17 are rejected as being anticipated by U.S. Patent Number 5,978,828 by Greer at al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,978,828 by Greer at al in view of U.S. Patent Number 5,933,604 by Inakoshi. (Applicant IDS)

The Greer reference teaches a system for notifying a user about a change in a tagged or bookmarked site. The Greer reference does not discuss different methods of requesting resources. Inakoshi teaches a system with (with regards to claim 7) a method, (as set forth in claim 6,) wherein said resource access request includes a differencing resource method (Inakoshi: col. 5, lines 64-67; col. 6, lines 1-4).

Inakoshi further teaches that this method prevents confusion of protocols when matching each of a variety of means of communication individually and it becomes easy to support newly introduced means of communications (Inakoshi: col. 6, lines 13-18).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the system of notification taught (Greer: Abstract) by Greer and incorporate different methods of requesting resources (Inakoshi: col. 5, lines 64-67; col. 6, lines 1-4) as taught by Inakoshi in an effort to prevent confusion of protocols when matching each variety of means of communication individually and easily support newly introduced means of communications (Inakoshi: col. 6, lines 13-18).

Claims 8 and 9 are rejected under the same rationale given to claim 7 above.

With regards to claim 8, a method, as set forth in claim 7, wherein said differencing resource method further includes the step of comparing the difference from one of a plurality of file dates, file sizes, and number of files counts from a directory (Inakoshi: col. 12, lines 1-13).

With regards to claim 9, a method, as set forth in claim 7, wherein said access means for accessing the resource further includes the step of selecting said access means from one of a hyperlink access (Inakoshi: col. 3, lines 1-5; col. 5, lines 5-11) and automatic access (Greer: col. 3, lines 14-20; Inakoshi: col. 5, lines 28 and 29).

Claims 10, 11, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,978,828 by Greer at al in view of U.S. Patent Number 5,933,604 by Inakoshi (Applicant IDS) in further view of U.S. Patent Number 5,790,790 by Smith et al (Applicant IDS).

The Greer reference teaches a system for notifying a user about a change in a tagged or bookmarked site. The Greer reference does not discuss different methods of requesting resources. Inakoshi teaches a system with different methods of requesting resources. The Inakoshi reference does not detail how the user of the system selects hyperlink access.

Smith teaches a system of document delivery with notification that notifies a user with hyperlink access (With regards to claim 10, a method, as set forth in claim 9,) wherein said hyperlink access further includes the step of selecting said hyperlink from one of a hyperlink

determination method (Smith: col. 4, lines 10-14), hyperlink retrieval method (Smith: col. 4,

lines 10-14), and hyperlink generation method (Inakoshi: col. 3, lines 1-5).

Smith further teaches that its client/server architecture provides a better extensibility than

a more pipelined structure. It also decouples the store clients from each other, which can be

useful in the context where some tasks are interactive, while others are more background

oriented (Smith: col. 4, lines 14-20).

Therefore it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to implement the system of notification (Greer: Abstract) taught by

Greer with different methods of requesting resources (Inakoshi: col. 6, lines 13-18) as taught by

Inakoshi while incorporating a method of selecting different hyperlink access (Smith: col. 4,

lines 10-14) as taunt by Smith in order to provide better extensibility and decouple the clients

from each other allowing for more background orientation of clients (Smith: col. 4, lines 14-20).

Claims 11, 12, and 13 are rejected under the same rationale given to claim 7 above.

With regards to claim 11, a method, as set forth in claim 10, wherein said hyperlink

determination method further includes the steps of selecting said differencing resource method,

generating at least one hyperlink corresponding to the accessible resource from said differencing

resource method selection (Smith: col. 4, lines 10-14 and 20-47), and providing said notification

having said hyperlink (Smith: col. 8, lines 37-41).

With regards to claim 12, a method, as set forth in claim 11, wherein said step of providing said notification further includes the step of selecting a notification method corresponding to a subscriber (Smith: col. 4, lines 10-14; the Account Manager).

With regards to claim 13, a method, as set forth in claim 12, wherein said step of selecting said notification method further includes the step of selecting a notification destination from one of a pager, e-mail, web page, television, phone, fax, instant message, and conferencing (Smith: col. 4, lines 10-14).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

U.S. Patent Number 6,105,098 by Ninose et al;

U.S. Patent Number 6,003,061 by Jones et al;

U.S. Patent Number 6,038,601 by Lambert et al;

U.S. Patent Number 5,995,594 by Shaffer et al;

U.S. Patent Number 5,109,486 by Seymour;

U.S. Patent Number 5,404,231 by Bloomfield; and

Berners-Lee et al, Uniform Resouce Identifiers (URI): Gener Syntax, Network Working

Group, Xerox Corporation, August 1998. http://www.ietf.org/rfc/rfc2396.txt

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin R Bruckart whose telephone number is (703)

305-0324. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

0324.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb *BRB*

signature

OSAIN ALAM
RY PATENT EXAMINER